

Introduced by Senator Wolk

February 23, 2012

An act to amend Section 1288.7 of the Health and Safety Code, relating to infectious diseases.

LEGISLATIVE COUNSEL'S DIGEST

SB 1318, as introduced, Wolk. Health facilities: influenza vaccinations.

Existing law imposes on the State Department of Public Health various duties and responsibilities regarding the regulation of health facilities, including general acute care hospitals, as defined.

Existing law requires a general acute care hospital to annually offer onsite influenza vaccinations, if available, to all hospital employees. Existing law requires a general acute care hospital to require its employees to be vaccinated, or if the employee elects not to be vaccinated, to declare in writing that he or she declined the vaccination. A violation of these provisions is punishable as a misdemeanor.

This bill would extend these vaccination provisions to contractors, students, volunteers, and other onsite health care workers affiliated with the hospital, as defined. This bill would require one of these parties who elects not to be vaccinated to wear a hospital-provided protective mask, as specified, while serving his or her duties at the hospital. By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1288.7 of the Health and Safety Code is
2 amended to read:

3 1288.7. ~~By July 1, 2007, the~~ The department shall require that
4 each general acute care hospital, in accordance with the Centers
5 for Disease Control guidelines, take all of the following actions:

6 (a) Annually offer onsite influenza vaccinations, if available,
7 to all hospital employees, *contractors, students, volunteers, and*
8 *all other onsite health care workers affiliated with the hospital at*
9 *no cost to the employee, contractor, student, volunteer, or other*
10 *onsite health care worker affiliated with the hospital.* Each general
11 acute care hospital shall require its employees, *contractors,*
12 *students, volunteers, and other onsite health care workers affiliated*
13 *with the hospital to be vaccinated, or if—~~the~~ an employee,*
14 *contractor, student, volunteer, or other onsite health care worker*
15 *affiliated with the hospital elects not to be vaccinated, to declare*
16 *in writing that he or she has declined the vaccination. An employee,*
17 *contractor, student, volunteer, or other onsite health care worker*
18 *affiliated with the hospital who declines the vaccination shall wear*
19 *a hospital-provided surgical or procedural mask, or other mask*
20 *that covers the mouth and nose area of the face in order to prevent*
21 *the spread of infectious diseases, while serving his or her duties*
22 *at the hospital.*

23 (b) Institute respiratory hygiene and cough etiquette protocols,
24 develop and implement procedures for the isolation of patients
25 with influenza, and adopt a seasonal influenza plan.

26 (c) Revise an existing or develop a new disaster plan that
27 includes a pandemic influenza component. The plan shall also
28 document any actual or recommended collaboration with local,
29 regional, and state public health agencies or officials in the event
30 of an influenza pandemic.

31 (d) *For purposes of this section, “health care worker affiliated*
32 *with the hospital” means a person who is either a volunteer or is*
33 *employed by, paid by, receives credit from, or any other form of*
34 *compensation from the acute care hospital. Health care workers*
35 *include, but are not limited to, physicians, nurses, nursing*

1 *assistants, therapists, technicians, emergency medical service*
2 *personnel, dental personnel, pharmacists, laboratory personnel,*
3 *autopsy personnel, students and trainees, contractual staff not*
4 *employed by the health care facility, and persons not directly*
5 *involved in patient care but potentially exposed to infectious agents*
6 *that can be transmitted to and from health care workers and*
7 *patients.*

8 SEC. 2. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.